

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
v.	§	CIVIL ACTION NO. 4:22-cv-03407
	§	
\$60,000 SEIZED FROM BANK OF	§	
AMERICA ACCOUNT 8467, and	§	
	§	
\$85,734.20 SEIZED FROM BANK OF	§	
AMERICA ACCOUNT 3070,	§	
	§	
Defendants.	§	

**VERIFIED AMENDED COMPLAINT FOR CIVIL FORFEITURE
IN REM AND NOTICE TO POTENTIAL CLAIMANTS**

The United States of America, Plaintiff, files this action for forfeiture *in rem* against \$60,000 and \$85,637.20 in U.S. Currency seized from two bank accounts and alleges upon information and belief the following:

JURISDICTION AND VENUE

1. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355.
2. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1355(b), 1391(b)(2), and 1395. Acts and omissions giving rise to the forfeiture occurred in the Southern District of Texas.

DEFENDANT PROPERTIES SUBJECT TO FORFEITURE

3. The first Defendant Property is \$60,000 seized from a Bank of America account with an account number ending in 8467, and held in the name of Franceska Daniela Menendez.

4. The second Defendant Property is \$85,637.20 seized from a Bank of America account with an account number ending in 3450, and held in the name of Darren Ifeanyi Okoro, sole proprietor, doing business as RBG Real Estate.

5. The United States alleges that the two sums described above (collectively, the “Defendant Properties”) constitute or are derived from proceeds traceable to wire fraud and are also property involved in money laundering.

STATUTORY BASIS AND NATURE OF ACTION

6. This civil action *in rem* is brought to enforce the provisions of 18 U.S.C. § 981(a)(1)(C), which provides for the forfeiture of any property, real or personal, which constitutes or is derived from proceeds traceable to any offense constituting “specified unlawful activity” (as defined in 18 U.S.C. § 1956(c)(7)), or a conspiracy to commit such offense. Title 18 U.S.C. § 1343 (wire fraud) is “specified unlawful activity” pursuant to 18 U.S.C. §1956(c)(7).

7. This action is also brought to enforce the provisions of Title 18, United States Code, Section 981(a)(1)(A), which provides for the forfeiture of “[a]ny property, real or personal, involved in a transaction or attempted transaction in violation of section 1956, 1957 or 1960 [of Title 18], or any property traceable to such property.” Conducting a

financial transaction involving more than \$10,000 in proceeds of specified unlawful activity constitutes money laundering in violation of 18 U.S.C. § 1957.

8. With regard to the civil forfeiture of fungible property, Title 18, United States Code, Section 984 provides that funds deposited into the same financial account as the property involved in the offense that is the basis for the forfeiture shall be subject to forfeiture so long as the forfeiture action is commenced within one year from the date of the offense.

9. The Defendant Properties are subject to forfeiture under 18 U.S.C. §§ 981(a)(1)(C) and 981(a)(1)(A) as property which constitutes or is derived from proceeds traceable to specified unlawful activity; and as property involved in, or traceable to, money laundering in violation of 18 U.S.C. § 1957.

FACTS

10. In one variety of a business email compromise and wire fraud, the perpetrator of the fraud spoofs the official business email address of a legitimate vendor company that the victim company does business with and needs to pay. The perpetrator then uses the spoofed email to convince an employee of the victim company that the vendor company's bank account information has changed. The victim company employee believes he is wiring payment to a legitimate bank account of the vendor company.

11. In this case, the perpetrator deceived an attorney at the victim law practice (the "Victim Company Employee") into believing she was corresponding with a known vendor to whom she owed money. The perpetrator directed the Victim Company

Employee to wire money to a fraudulent bank account that was not the bank account of the known vendor.

12. On or about March 23, 2022, the Victim Company Employee received a fraudulent email that appeared to be from an employee at the vendor company. The email appeared to attach a legitimate invoice that reflected the correct amount owed of \$483,550.00 and directed the payment to be wired to a Wells Fargo Bank Account ending in 3450 (the “First Account”). The Victim Company Employee complied.

13. The Victim Company intended to pay the vendor company \$483,550.00 on or about March 23, 2022, but due to the fraudulent email, the funds were sent to the First Account rather than to the vendor company’s actual bank account. The \$483,550.00 are the proceeds of the perpetrator’s wire fraud.

14. The First Account was opened by Franceska Menendez on or about January 25, 2022. Franceska Menendez resides in Richmond, Texas, which is within the Southern District of Texas. Prior to the March 23, 2022 deposit of \$483,550.00 in fraud proceeds, the balance of the First Account was just \$7.25. After the deposit, various transfers and withdrawals occurred.

15. On or about February 16, 2022, Franceska Daniela Menendez opened a Bank of America account ending in 8467 (the “Second Account”). On March 24, 2022, a check to Franceska Menendez signed by Franceska Menendez for \$60,000 from the wire fraud proceeds in the First Account was deposited into the Second Account. The deposit of \$60,000 in fraud proceeds was also a financial transaction in violation of 18 U.S.C. § 1957.

Prior to the March 24, 2022 deposit of \$60,000 in fraud proceeds, the balance of the First Account was \$0.00. The sum of \$60,000 was seized by warrant on June 3, 2022.

16. On or about February 16, 2022, Darren Ifeanyi Okoro, sole proprietor, doing business as RBG Real Estate, opened a Bank of America account ending in 3070 (the “Third Account”). The Third Account was opened on the same date as the Second Account. Darren Ifeanyi Okoro resides in Cypress, Texas, which is within the Southern District of Texas. On March 23, 2022, a check to RBG Real Estate signed by Franceska Menendez for \$85,634.20 from the wire fraud proceeds in the First Account, as well as \$100, were deposited into the Third Account during the same transaction. Prior to the March 23, 2022 deposit of \$85,734.20, the balance of the Third Account was \$-95.08.

17. The United States alleges that the \$85,734.20 in funds that were deposited in the Third Account constitute proceeds of wire fraud, in whole or in part. The United States further alleges that the deposit of \$85,734.20 on March 23, 2022, was a financial transaction in violation of 18 U.S.C. § 1957 because more than \$10,000 of the funds involved in the deposit were the proceeds of specified unlawful activity. Up to \$85,734.20 on deposit in the Third Account was thus property subject to forfeiture because, by application of Section 984, those funds constitute or were derived from the proceeds of wire fraud and were involved in, or traceable to, a money laundering transaction. The sum of \$85,637.20 was seized by warrant on June 3, 2022.

CONCLUSION

18. Under the totality of the circumstances, there is reason to believe that the Defendant Properties are subject to forfeiture under 18 U.S.C. § 981(a)(1)(C) as property which constitutes or is derived from proceeds traceable to specified unlawful activity, including wire fraud, whether directly or through application of Section 984; and that the Defendant Properties are subject to forfeiture under 18 U.S.C. § 981(a)(1)(A) as property involved in money laundering.

NOTICE TO ANY POTENTIAL CLAIMANTS

YOU ARE HEREBY NOTIFIED that if you assert an interest in any of the Defendant Properties subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than 35 days from the date this Amended Complaint was sent to you in accordance with Rule G(4)(b); or, if this Amended Complaint was not sent to you, no later than 60 days after the first day of publication of notice on an official government forfeiture internet site, in accordance with Rule G(5)(a)(ii)(B).

An answer or motion under Rule 12 of the Federal Rules of Civil Procedure must be filed no later than twenty-one (21) days after filing the verified claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas, either electronically or at the United States Courthouse, 515 Rusk Avenue, Houston, Texas 77002. A copy must be served upon the undersigned Assistant United States

Attorney at the United States Attorney's Office, 1000 Louisiana, Suite 2300, Houston, Texas 77002.

RELIEF REQUESTED

The United States will serve notice, along with a copy of the Amended Complaint, on any person who reasonably appears to be a potential claimant in this matter. The United States seeks a final judgment forfeiting the Defendant Properties to the United States and any other relief to which it may be entitled.

Respectfully submitted,


JENNIFER B. LOWERY
United States Attorney

By: /s/ Melissa Hotze
Melissa Hotze
SDTX Admission Number 784631
Assistant United States Attorney
1000 Louisiana, Suite 2300
Houston, Texas 77002
Telephone (713) 567-9000

Verification

I, Tyler Welch, a Special Agent with the United States Secret Service, declare under penalty of perjury, as provided by 28 U.S.C. § 1746, that I have read the foregoing Verified Amended Complaint for Civil Forfeiture In Rem and Notice to Potential Claimants, and that the facts stated in paragraphs 3–4 and 10–17 of the Amended Complaint are based upon my personal knowledge, upon information obtained from other law enforcement personnel, or upon information I obtained in the course of my investigation. Those facts are true and correct to the best of my knowledge and belief.

Executed on the 17th day of October 2022.



Tyler Welch, Special Agent
United States Secret Service